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S/25275
10 February 1993

ORIGINAL: ENGLISH

NOTE VERBALE DATED 3 FEBRUARY 1993 FROM THE PERMANENT MISSION OF GREECE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Greece to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to inform him that the competent authorities are taking all necessary steps in order to identify funds that eventually fall within the scope of paragraph 1 of resolution 778 (1992). According to the information provided to this day by a number of banks in Greece, an amount of US$ 276,000, which represents the proceeds of sale of linear alkyl benzene, has been declared.

Nevertheless, a thorough investigation is still being conducted and information is expected to be provided by a number of banks.

It should be noted that the text of resolution 778 (1992) has been published in the Official Gazette by Ministerial Decision.

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LETTER DATED 9 FEBRUARY 1993 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith the text of a letter dated 7 February 1993 addressed to you by Mr. Muhammad Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, regarding fresh violations of Iraqi airspace by a United States U-2 spy aircraft.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Adnan MALIK
Chargé d'affaires a.i.

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Annex

Letter dated 7 February 1993 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I have the honour to refer to our letters to you, the most recent of which is dated 18 January 1993, concerning the violation of Iraqi airspace by a United States U-2 spy aircraft, which entered said airspace on the pretext that it was conducting an aerial survey for the Special Commission. I must inform you that at 11 a.m. on Monday, 25 January 1993, a United States U-2 aircraft bearing registration number UNT-01 and travelling from its base in Saudi Arabia violated Iraqi airspace and flew over vast areas of northern, central and western Iraq for 5 hours and 50 minutes before leaving Iraqi airspace at 4.50 p.m. and heading towards its base in Saudi Arabia.

At 10.10 a.m. on Thursday, 28 January 1993, this aircraft, coming from its base in Saudi Arabia, again violated Iraqi airspace. It flew over vast areas of central and western Iraq for 3 hours and 26 minutes, then left Iraqi airspace at 1.36 p.m. and headed in the direction of its base.

On Friday, 5 February 1993, this aircraft, coming from its base in Saudi Arabia, violated Iraqi airspace. It flew over vast areas of northern and central Iraq for 3 hours and 33 minutes and then left in the direction of its base in Saudi Arabia at 1.38 p.m.

At 10.20 a.m. on Saturday, 6 February 1993, this aircraft, coming from its base in Saudi Arabia, again violated Iraqi airspace. It flew over vast areas of northern Iraq for 3 hours and 17 minutes, then left at 2.37 p.m. in the direction of its base.

These four new incidents bring the total number of airspace violations committed by this aircraft to 112. We strongly condemn these unwarranted flights over our territory, and we reaffirm the position of Iraq - which we have stated on numerous occasions - that this aircraft is being used for purposes other than those specified by the Security Council and that its activities pose a threat to the sovereignty and security of Iraq.

(Signed) Muhammad Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

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LETTER DATED 4 FEBRUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Permanent Mission of Cuba to the United Nations has on many occasions had to protest to the Security Council concerning terrorist acts carried out against either the territory of the Republic of Cuba or Cuban juridical persons in which the Government of the United States was involved in one way or another, by commission or omission. This gave rise to a debate in the Security Council on the item regarding terrorism against Cuba and its inclusion in the Council's programme of work.

Such acts continue to occur in a variety of forms. In this instance, I find myself compelled to draw your attention and that of the members of the Security Council to the hijacking and diversion to the territory of the United States of America of a Cuban AN-28 aircraft bearing registration number CUT-110 and belonging to the Aerocaribbean company, which took place on the morning of 29 December 1992.

The available information on the event, including the news widely publicized in the United States press, supports the contention that the act of piracy was carried out with the collaboration of some of the crew of the aircraft who, in order to achieve their purposes, used violence to subdue the other crew members who were trying to prevent the diversion. As a result of this act, several of the passengers and crew on the flight were taken, against their will and by force, to an undesired location from which they later had to be repatriated to Cuba.

This act endangered the lives of innocent persons and affected aviation safety in the area, in violation of the relevant national and international norms and regulations in force, and its gravity is compounded by the favourable reception, preferential treatment and attention lavished with much propagandistic fanfare on those who had been hijacked at the Miami International Airport by the United States authorities, in complete disregard of the fact that it was an obvious act of air piracy, a crime severely condemned by the international community and clearly defined as an act of terrorism.

Air piracy first became a serious problem in the 1960s, as one of the destabilizing practices waged by the United States Government against my country. For political reasons then, a climate of insecurity was created for aviation in the area, in a flagrant departure from international law and the most basic standards of civilized coexistence.

Subsequently, numerous incidents of air piracy took place in which flights were diverted from their normal routes, with United States aircraft involved as well. The Government of the Republic of Cuba responded to these undesirable practices by consistently maintaining a position of principle aimed at discouraging them by severely punishing their perpetrators, with the result that they were virtually eliminated.

The Cuban State, the victim of this kind of terrorism, remained true to the principles that guide its international conduct and did not allow such a practice to be turned against its initiators. In 1969 it passed a law specifically intended to prevent and punish this dangerous criminal act, at the same time submitting proposals for totally and finally eliminating it to the United Nations General Assembly at its twenty-fourth session.

By way of contrast, the unconscionable attitude towards the terrorist act that concerns us today shows that the United States authorities have not fulfilled their international obligations regarding terrorist acts, the result of which is to encourage them, as my country has repeatedly protested to the Security Council.

The Government of the Republic of Cuba has been patiently waiting for the United States authorities concerned to take appropriate legal action, in fulfilment of their international obligations, against the perpetrator(s) of this act of air piracy. Yet today, more than a month after the events took place, no charges have as yet been brought against the principal perpetrator of this act of terrorism nor against his accomplices, all of whom instead remain at large and have been admitted "on their own recognizance" into United States territory.

The selective compliance with its international commitments that the United States Government has shown by its behaviour in this instance has also been a source of concern to airline officials, attorneys and persons connected with official air safety agencies of the United States of America. For example, according to The New York Times of 31 December 1992, Billie Vincent, former air safety chief of the Federal Aviation Administration of the Government of the United States, stated that:

> "... by sanctioning the illegal diversion of a flight, we encourage this to happen again".

At the same time, the same issue of The New York Times reported that an attorney for a major airline considered that:

"This is a very dangerous precedent that runs in the face of international aviation law. Once the pilot diverts his craft from its lawful journey and enterprise, I don't see any difference between him and a pirate".

Toleration of any kind of terrorist act, including air piracy, can only provoke its repetition, with the serious consequences entailed, for which, obviously, the Government of the United States of America will be entirely responsible.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) Alcibíades HIDALGO BASULTO
Ambassador
Permanent Representative
to the United Nations